# THE MADRID CSCE REVIEW MEETING: PHASE V INTERIM REPORT

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## The Fifth Phase - November 9 to December 18, 1982


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## THE FIFTH SESSION -- AN OVERVIEW

The fifth phase of the long-protracted Madrid Meeting came to an end on December 18, 1982 with a decision to resume negotiations on Tuesday, February 8, 1983. While the six week session, which began on November 9, did not bring East and West any closer in their deadlock over key human rights and security issues, many participants considered this phase -- which at least gave the appearance of ongoing negotiations -- to have been useful and more positive than the previous one in February-March, 1982 during which substantive negotiations were virtually suspended because of sharp East-West disagreements over Poland, and to a lesser extent, Afghanistan and human rights issues.

The decision of the Western allies to negotiate in November when they would not negotiate in February reflected not a change in the international situation but a strong conviction among most of the allies that, with the passage of a decent interval since the imposition of martial law in Poland, Western interests, both domestic and international, would be better served by a return to the negotiating table. However, at the same time the allies agreed that such a return had to be accompanied by the tabling of a set of new proposals which would take into account the negative developments of the past year. These proposals were introduced and became the focus of the meeting.

The death of Soviet President Brezhnev in the first week of the session produced a short truce in polemics, reflecting both respect for the departure of a world leader and a wait-and-see attitude toward his successor, the new Communist Party Chief Yuri Andropov. Interest in the high-level changes in the Soviet Union were heightened in Madrid by the presence of Andropov's son, Igor, who joined the Soviet delegation -- now led by Vice Foreign Minister Anatoly Kovalev -- as a top-ranking member. (The former Soviet delegation chief, Leonic Ilichev, is involved in the recently renewed Sino-Soviet talks.)

Following the opening two weeks of the meeting during which most Western nations gave critical assessments of the poor state of implementation of the Final Act's human rights provisions in the Soviet Union and Poland in particular, the meeting settled into a routine in which activity was concentrated on work in the drafting group which met four times weekly. The focal point of attention was the allied package of new proposals, introduced at the beginning of the session to take account of the Polish situation, the continuing occupation of Afghanistan and the deteriorating human rights record in the East. This package was presented in the form of amendments to the draft concluding document (RM-39) put forward by the neutral and non-aligned (NNa)

countries in December, 1981 just before martial law was imposed in Poland. While the Soviets were careful not to refuse to discuss these amendments, they and their allies refused to accept them on the grounds that the proposals merely resurrected issues which the East had already dismissed in earlier phases of the Madrid Meeting.

During the final weeks of this phase, events in Poland were followed very closely. The declarations of the Jaruzelski regime concerning the lifting of martial law caused both Western and NNa countries to adopt a cautious attitude pending actual developments. This caution was reflected in the muted remarks made by several delegations in their concluding speeches to this session and by the avoidance of the issue entirely in the remarks of others.

## BACKGROUND TO THE SESSION

During the eight months since the adjournment of the last session of the Madrid Meeting in March 1982, some difference in approach between the U.S. and its NATO allies began to surface. The Europeans, anxious to reach some agreement at Madrid despite the continuing existence of the Polish crisis and despite other indications of worsening Eastern behavior, favored a return to the negotiating table. At the same time, the U.S. considered that the deterioration of the situation in Poland and the worsening Soviet human rights record (the forced suspension of the Moscow Helsinki Monitoring Group, the lowest ever emigration figures, the recent cut-off of direct-dial telephone access and increased harassment of foreign journalists) made agreement on the basis of the NNa compromise document virtually impossible.

Both the U.S. and the allies, anxious to avoid the kind of public rift which separated them on the gas pipeline deal, worked hard to reach a common approach to the current session through an intensive series of consultations among the NATO heads of delegation held last summer and fall. Through these consultations, agreement was reached to resume negotiations on the basis of a package of new proposals and amendments to the NNa compromise paper aimed specifically at the worst Eastern abuses of the Final Act.

## THE NATO NEW PROPOSALS PACKAGE

The allied package of new proposals - 14 in all - was designed to amend and strengthen the NNa compromise draft so that it more accurately reflects the current state of East-West relations, particularly the problems in Poland and the worsening Soviet human rights record. The NATO package includes new language in the Basket I area on respect for the role of trade

unions, including the right to strike; on the freedom of individuals and groups to monitor and express views on implemention of the Final Act; and on religious liberty. The package also contains a revamped mandate for an experts meeting on human rights. In Basket III, the allied package includes provision for an experts meeting on human contacts as well as language providing for the elimination of jamming of radio broadcases, the improvement of working conditions for journalists (including improved access to sources and protection from arbitrary expulsion) and freer access by citizens to foreign diplomatic missions.

## DEBATE ON ALLIED NEW PROPOSALS

Following the opening two weeks of this session during which almost every Western country delivered at least one plenary speech condemning the situation in Poland and human rights violations in the Soviet Union and Eastern Europe, the meeting settled into a routine of four (later five) drafting group meetings a week, along with two plenaries and one informal heads of delegation session. In the remaining four weeks of this phase, attention focused on work in the drafting group where the allied package of new proposals was debated.

Certain of these proposals, notably those on trade union rights, Helsinki Monitors, jamming and an experts meeting on human contacts, provoked heated East-West debate. Perhaps the sharpest exchanges came over the trade union proposal which U.S. Ambassador Max Kampelman described as necessary because of the abolition of the Solidarity trade union in Poland, and over the Helsinki Monitors proposal which the Eastern countries labeled as an effort to interfere directly in their internal affairs.

While the Soviets were careful not to refuse to discuss these amendments, they refused to accept them in any shape or form, characterizing most of them as efforts by the West to inject needless polemics into the proceedings and to further postpone the day when the Madrid Meeting could be brought to a successful conclusion. On only two proposals -- a comparatively minor change in the NNa text concerning respect for religious liberty and a similar change involving journalists' access to sources -- did the East show any willingness to compromise.

In rejecting the allied proposals, the Soviets and their allies adopted the technique of accepting the weaker formulations on the same subjects found in RM-39, which they had previously refused to accept. This tactic was aimed at deflecting attention from the Western package and making the Eastern countries appear more moderate and reasonable than the West. This new-born Soviet reasonableness also had the effect of frequently putting the NNa

countries in the awkward position of being on the same side of the fence as the East. Despite the pressure to defend their own paper, several of the neutral countries had the courage to support the stronger provisions on human rights contained in the NATO amendments, particularly those calling for recognition of trade union rights, the rights of Helsinki Monitors and religious liberty.

While the allied new proposals package succeeded in focusing much of the work of this phase on areas of interest to the West, the practical results of this strategy did not result in any real progress in drafting a concluding document for the meeting. Such progress will have to await the next phase of the meeting when circumstances at the time, including possible Soviet flexibility, will determine whether conditions are finally ripe for a balanced, substantive concluding document or whether some other solution will have to be found.

## MILITARY SECURITY ISSUES AND THE MEDITERRANEAN

The discussion of a mandate for a post-Madrid conference on Confidence and Security-building Measures and Disarmament in Europe involved intensive, but fruitless, exchanges during this phase of the Madrid Meeting. Most of the mandate has already been agreed upon with the important exception of the zone of application of the prospective confidence and security-building measures. This issue has been the main sticking point in these security negotiations for over a year. In the Western view, the zone should include the entire European continent from the Atlantic Ocean to the Ural Mountains plus activities in the air and sea space around Europe which are an integral part of ground activities on the continent. The Eastern position is more expansive, and seeks to include activities in the air, sea and ocean space around Europe which are tied to the security of Europe rather than the specific ground activities. Despite persistent efforts, there was no appreciable narrowing of the gap on this essential issue which, along with human rights issues, remains one of the key stumbling blocks to a successful conclusion of the Madrid Meeting.

During discussion of the Mediterranean section of the draft concluding document, the Maltese delegation resurrected several unappealing proposals from earlier in the meeting and introduced a new proposal which caused widespread consternation among the NATO allies. The new proposal was a broadly-worded, vaguely-formulated scheme calling for a meeting on security in the Mediterranean. Other Maltese proposals were aimed at achieving recognition and support for Malta's neutral status and agreement to convene "ad hoc" meetings on various Mediterranean issues. While several delegations, including some from the NNa group expressed reservations with all these proposals, it is likely that Malta will

continue to press for a meeting on security in the Mediterranean and for recognition of its neutrality during the next session. By taking such actions, it seems clear that Malta is again positioning itself to extract a significant price for its agreement to a concluding document of any kind.

## U.S. STATEMENTS AT THE MEETING

U.S. speeches during this latest phase reflected the concerns that have continued to stymie progress at the meeting. Major themes included continuing violations of human rights by Eastern states, particularly the USSR and Poland, and the need to implement the Final Act if the CSCE process is to have lasting meaning. As was the practice throughout the course of the meeting, the U.S. delegation cited illustrative cases of human rights abuses, bringing to a total of 115 the number of names of different human rights cases in the Soviet Union, Czechoslovakia and Poland which have been mentioned. Other Western and NNa states also raised specific cases, so that by the end of this phase a total of 15 countries had cited a total of 121 names.

Initial plenary statements by delegates during this phase of the meeting were devoted chiefly to messages of condolence on the death of Leonid Brezhnev. Accordingly, on November 12, Ambassador Kampelman, in a brief intervention, acknowledged the Soviet leader's role as an architect of the Helsinki accords. In subsequent speeches, Ambassador Kampelman addressed several of the issues covered by the allied package of new proposals. At the November 16 plenary, Ambassador Kampelman remarked on the recent release of Lech Walesa, and characterized the decision by the Polish military authorities to destroy Solidarity as a blow to the very essence of the Final Act and various ILO conventions.

Speaking before an informal meeting of delegation heads on November 24, Ambassador Kampelman noted that November 9, the day the Madrid Meeting reconvened, marked the sixth anniversary of the founding of the Ukrainian Helsinki Monitoring Group and observed that twenty-seven of the thirty group members commemorated that event behind bars. He also described recent Soviet efforts to obstruct human contacts, among these the arrest in September of Jewish activist and refusenik Feliks Kochubievsky.

The U.S. plenary statement of December 3 reaffirmed the U.S. desire to participate in genuine peace-seeking efforts, among them the proposed Conference on Confidence and Security-Building Measures and Disarmament in Europe, providing a mutually-acceptable, specific mandate could be worked out in Madrid. Ambassador Kampelman stated: "Our peace movements (in the West) function nonviolently and are free of government restraint. This is regrettably in stark contrast to the manner in which their

counterparts are treated in the Soviet Union. There, activists for peace, just as activists for human rights, are treated as anti-Soviet agitators and imprisoned." During the same intervention, Kampelman recounted several Soviet human rights violations which, he stressed, impeded agreement in Madrid. These include the forced suspension of the activity of Moscow Helsinki Group; Soviet efforts to sever the contacts of refuseniks and human rights activists with Western journalists, diplomats and travelers; Soviet insensitivity to the plight of divided families; the severe persecution of activist Christians, especially evangelical Baptists; the escalating harassment of Andrei Sakharov and the dire plight of Anatoly Shcharansky.

Speaking on Human Rights Day, December 10, Ambassador Kampelman cited the heroic role of Helsinki Monitors in the Soviet Union and Eastern Europe who, in his words, "at great personal sacrifice, continue to make lasting contributions to the realization of the ideals of the Helsinki Final Act."

## EASTERN RESPONSE TO U.S. AND OTHER WESTERN INTERVENTIONS

As in previous phases of the Madrid Meeting, the Soviet Union and its allies attempted to deflect criticism from the U.S. and other Western countries about Poland, Afghanistan and human rights, by charging the West, and in particular the United States, with undermining progress at the meeting by raising contentious issues. A primary Eastern strategy was to isolate the United States from its NATO partners, but it did not succeed as the Western alliance members held firm on the package of new proposals. In defending itself against Western censures, the Polish delegation expressed regret that Poland's internal difficulties were being used by the West as an excuse to stonewall at the Madrid Meeting, and in the case of the United States, to subvert Poland's social system by imposing trade sanctions. Romania responded somewhat lamely to Western criticism of its new education tax on emigration by calling it a purely internal matter.

## IMPORTANT VISITORS TO THE MEETING

Commission Co-Chairman Bob Dole and Commissioner Orrin Hatch visited Madrid on November 22 and 23 and expressed the continuing interest of the American public and Congress in the CSCE process and the Madrid Meeting.

During a coffee meeting with the Soviet delegation, the Senators conveyed their concerns for a successful outcome to the Madrid Meeting, which they stressed must consist of balanced progress in the key military security and human rights areas alike. Later, Senator Dole addressed the plenary in his capacity as Vice-Chairman of the U.S. Delegation and reaffirmed the U.S. commitment to the Helsinki process and appealed to all signatory states to honor their Final Act commitments. He declared that the

persecution of Andrei Sakharov, the outlawing of Solidarity, the imprisonment of religious activists, the harsh reprisals against the Helsinki Monitoring Groups in the USSR, the drastic decline in Soviet emigration, and jamming of Western radio broadcasts have all contributed to a "crisis of confidence" among states which, he said, impedes East-West harmony.

For a second time, the Madrid Meeting was visited by a U.S. Secretary of State, when on December 16 Secretary Shultz took the occasion of a bilateral visit to Spain to receive the NATO heads of delegations at a working breakfast. Afterwards, he gave a brief presentation to the press, in which he lauded NATO cooperation at the meeting and added: "Through our mutual efforts to ensure that the promise of Helsinki is fulfilled in practical ways, we are advancing a process that can reduce divisions and improve the human condition in Europe." He condemned the grave violations of the Final Act in Afghanistan, Poland and the Soviet Union and asserted that "(F)or the Helsinki Final Act to be a living document, it must be honored by deeds, not just words." Continuing, he said, "We want the Madrid Meeting to strengthen CSCE. We seek agreement on a full concluding document which would embody balanced progress on human rights and security issues, including the mandate for a European security conference. But failure to honor existing CSCE undertakings is an obstacle to such an outcome...Therefore we (the Western countries) have jointly sponsored new proposals which address these failures...Here today, I can tell you that the United States pledges to support and promote the standards of Helsinki vigilantly. No state which seeks the goals of peace and stability in Europe can fail to do the same."

## PROSPECTS FOR NEXT PHASE

On February 8, 1983, when the sixth session convenes, the Madrid Meeting will be entering its 50th week of deliberations spanning a period of nearly two and one-half years. Several CSCE participants, particularly among the NNa countries, are very concerned that if the Madrid Meeting drags on much longer, it will lose all credibility and viability. During the closing meetings of the fifth session, several NNa delegations made strong appeals to the other signatories to make the next phase of the Madrid Meeting its last. Some went so far as to suggest that their governments could not agree to any further sessions beyond the next phase. Although these are probably not definitive indications, they do reveal the degree of frustration that the long meeting has produced.

Prospects for the conclusion of the Madrid Meeting at its next phase are mixed. Many delegations including some of the NNa and the East appear to be able to accept the NNa compromise draft, RM-39, as is or with only minimal changes. The NATO countries, having at the outset of the last session dropped their demand for

fundamental changes in Poland prior to the resumption of negotiations, now insist on acceptance of their package of amendments before agreeing to a substantive concluding document along the lines of RM-39. It is possible, of course, that a compromise agreement could be reached on these amendments during the next session. However, for Western credibility, such an agreement would have to involve major concessions from the Soviet Union since any down-the-middle compromise on these amendments would signify virtual abandonment by the Western allies of their public positions on both Poland and human rights.

On the other hand, if the East continues to reject the Western proposals outright and/or the NATO allies stand firm behind them, the current impasse will continue, thus raising anew the question of how to end the meeting. One solution which, despite the disclaimers from all sides, could gain momentum in such circumstances is a shorter, more bare-bones type of communique along the lines of the Belgrade concluding document. However, it is likely that it would take longer than the end of March 1983 -- when an Easter recess would take place -- to reach agreement on even such a truncated document. Other possibilities for the end of the next session include taking a long break to wait for an improvement in the international atmosphere or resuming the negotiations after a short Easter recess.

One factor which could have a positive effect on the outcome in Madrid would be a decision by the new leadership in the Soviet Union to make significant progress on outstanding human rights cases. Such a good faith signal from the East, involving actions and not just words, would make agreement on a mutually-acceptable concluding document considerably easier.